

ENTERED

August 11, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

PEDRO LOPEZ,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:16-CV-202

ORDER

Petitioner Pedro Lopez (“Lopez”) is in the custody of the federal Bureau of Prisons and currently is incarcerated at the Stevenson Unit in Cuero, Texas. Dkt. No. 1. On June 3, 2016 Lopez filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §§ 2241 and 2254, which sought to vacate his sentence on the basis that his constitutional rights were violated during his 2010 jury trial on one count of aggravated sexual assault of a child and two counts of indecency with a child. *Id.*

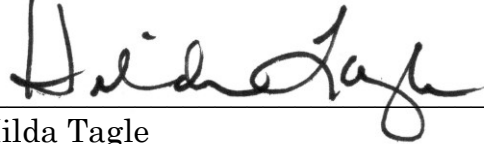
On March 28, 2017, the Court dismissed Lopez’s petition as time-barred under the Anti-Terrorism and Effective Death Penalty Act (AEDPA), denied Lopez a certificate of appealability, and entered final judgment in this action. *See* Dkt. No. 23. Subsequently, Lopez filed pleadings construed as a Motion for Reconsideration, Dkt. No. 27; a Motion to Alter or Amend the Judgment, Dkt. No. 31; and a Motion for a New Trial, Dkt. No. 32. These three motions, now pending before the Court, were addressed by the Amended Memorandum & Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred pursuant to 28 U.S.C. § 636(b), Dkt. No. 33.

On consideration of Lopez’s pending motions, the Magistrate Judge’s M&R addressing these motions, Lopez’s objections to the M&R, Dkt. Nos. 34 and 35, the remainder of the record, and the applicable law, the Court hereby **ADOPTS** the entirety of the Magistrate Judge’s proposed findings and recommendations in the

Amended M&R, Dkt. No. 33, and **DENIES** Lopez's pending motions, Dkt. Nos. 27, 31, and 32.

It is so ORDERED.

SIGNED this 11th day of August, 2017.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge